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SONNENSCHEIN NATH & ROSENTHAL
Sears Tower
Wacker Drive Station
P.O. Box 061080
Chicago, IL 60606-1080

EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 09/16/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/001,260	WILLIAMSON, CHARLES G.
	Examiner James K Moore	Art Unit 2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 August 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5 and 7-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 10-15 and 19-26 is/are allowed.

6) Claim(s) 1-3,5,7-9,16-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 November 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 15, 2003 with respect to claims 1-3, 5, 7-9, and 16-18 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant argues that the Hewitt, Louderback, and Yamamoto references do not teach "a location identifier that represents the geographic location of the radio". However, the examiner disagrees. Hewitt, paragraph 32, discloses that enhanced services can operate with information provided by the radio appliance to locate radio stations within a subscriber's coverage area. It is inherent that the system comprises a location identifier representing the geographic location of the radio, because otherwise, the subscriber's coverage area could not be determined.

The applicant also mistakenly characterizes claims 16-18 as being dependent on claims 1, 10, or 19. See page 9 of the Amendment. Claim 16 is an independent claim, which claims 17 and 18 depend on. The applicant has not amended these claims, therefore the rejections of these claims stand and are repeated below.

Claim Objections

2. Claims 10, 12, 21, and 23 are objected to because of the following informalities:

In claim 10, line 6, "data" should be inserted following "configuration".

In claim 12, line 2, the examiner recommends deleting "second", since only one computing device is claimed.

In claim 21, line 2, the examiner recommends deleting “second”, since only one computing device is claimed.

In claim 23, line 3, “form” should be changed to “from”, and “button” should be changed to “buttons”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 16 is rejected under 35 U.S.C. 102(a) as being anticipated by Hewitt et al. (U.S. Patent Application Publication US 2001/0034219 A1).

Regarding claim 16, Hewitt discloses a data structure in a user profile located in a database (subscriber database 183). The data structure comprises a user profile identifier, preset button identifiers linked to the user profile identifier, and an association between each of the preset button identifiers and a radio station. See paragraphs 14, 21, and 24.

Claim Rejections - 35 USC § 103

5. Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewitt et al. in view of Louderback (article titled “Kerbango Debuts Internet Boom Box”) and Yamamoto et al. (U.S. Patent No. 6,166,778).

Regarding claim 1, Hewitt discloses a system comprising a first network device (PC 170) having a graphical interface, and a radio (radio appliance 150). An association between a first set of configuration data (presets) and second set of configuration data (radio stations) are stored in a user profile in a remote database (subscriber database 183), and the first network device is used to access the association data. The radio inherently comprises a digital controller that communicates with the remote database to retrieve and apply the user profile to facilitate operation of the radio. See paragraphs 14, 20, 21, and 24. The system also inherently comprises a location identifier representative of a geographic location of the radio, because enhanced services operate with information provided by the radio to locate broadcast radio stations within the subscriber's coverage area. See paragraph 32. Hewitt does not disclose that the graphical interface displays an association page that establishes the association and displays it in a list format.

However, Louderback discloses a system to remotely configure a radio in which a computer displays an association page that establishes an association between radio stations and presets. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hewitt with Louderback, such that the graphical interface displays an association page that establishes the association, in order to provide a user of the radio with a user-friendly device for establishing the association data.

In addition, Yamamoto discloses a system for programming channel presets for a broadcast receiver. Yamamoto discloses an association page that establishes an association list between channels and presets. Yamamoto discloses that the list allows

the user to visually recognize the correspondence of the preset channels and corresponding preset numbers, thereby reduced errors in recognition. See Figure 7 and col. 15, lines 8-40. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Hewitt in view of Louderback with Yamamoto, such that the association page displays the association between the radio stations and the presets in the form of a list, in order to allow the user to visually recognize their correspondence and thereby reduce errors in recognition.

Regarding claim 2, Hewitt in view of Louderback and Yamamoto teaches all of the limitations of claim 1, and Hewitt also discloses that the first set of configuration data is preset button identifiers, and that the second set is radio stations. See paragraph 24.

Regarding claim 3, Hewitt in view of Louderback and Yamamoto teaches all of the limitations of claim 2, and Hewitt also discloses that a preset button located at the radio is associated with a radio station in response to receipt of the association data at the radio. See paragraph 24.

Regarding claim 9, Hewitt in view of Louderback and Yamamoto teaches all of the limitations of claim 1, and Hewitt also discloses that the graphical interface may be a web browser. See paragraph 20.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewitt in view of Louderback and Yamamoto as applied to claim 1 above, and further in view of Steinmark (U.S. Patent Application Publication US 2003/0001727 A1).

Regarding claim 5 Hewitt in view of Louderback and Yamamoto teaches all of the limitations of claim 1 but does not teach that the system comprises an alarm configuration page displayed in the graphical interface that establishes an alarm time list with an associated alarm type in the user profile. However, Steinmark teaches this feature. Steinmark discloses an alarm system which comprises an enhanced alarm clock (101) which may be incorporated in a radio. A user may access an alarm configuration page (web site) which is inherently displayed in a graphical interface that establishes an alarm time list with an associated alarm type (audible, visual, vibrating alarm) in a user profile. See paragraphs 20, 22, 24, 31, and 32. Steinmark also teaches that by storing the alarm information in a remote user profile, the alarm times may be adjusted and enhanced by taking into account other conditions such as weather or traffic, and the user can maximize his time. See paragraph 57. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hewitt in view of Louderback and Yamamoto with Steinmark, such that the system comprises an alarm configuration page displayed in the graphical interface that establishes an alarm time list with an associated alarm type in the user profile, in order to provide a user with enhanced alarm features which allow him to maximize his time.

Regarding claim 7, Hewitt in view of Louderback, Yamamoto, and Steinmark teaches all of the limitations of claim 5, and Steinmark also discloses that an alarm clock in the radio is set in response to receipt of the alarm list and the associated alarm type from the user profile. See paragraph 30.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hewitt in view of Louderback, Yamamoto, and Steinmark as applied to claim 5 above, and further in view of Wachob et al. (U.S. Patent No. 5,334,975).

Regarding claim 8, Hewitt in view of Louderback, Yamamoto, and Steinmark teaches all of the limitations of claim 5, but does not teach that receipt of a time synchronization message at the radio results in the alarm clock being set. However, Wachob teaches a system in which receipt of a time synchronization message at a radio result in an internal clock being set. This eliminates the need for a consumer to set the clock himself. See col. 1, lines 35-64. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hewitt in view of Louderback, Yamamoto, and Steinmark with Wachob, such that receipt of a time synchronization message at the radio results in the alarm clock being set, in order to eliminate the need for a user to set the clock himself.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewitt in view of Steinmark.

Regarding claim 17, Hewitt discloses all of the limitations of claim 16, but does not disclose that the data structure comprises a plurality of alarm times linked to the user profile identifier and an alarm type linked to each of the plurality of alarm times. However, Steinmark discloses an alarm system which comprises an enhanced alarm clock (101) which may be incorporated in a radio. A user accesses a data structure in a user profile in a database, which comprises a plurality of alarm times linked to a user

profile identifier (login name) and an alarm type linked to each of the alarm times. See paragraphs 29 and 32. Steinmark also teaches that by storing the alarm information in a remote user profile, the alarm times may be adjusted and enhanced by taking into account other conditions such as weather or traffic, and the user can maximize his time. See paragraph 57. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hewitt with Steinmark, such that the data structure comprises a plurality of alarm times linked to the user profile identifier and an alarm type linked to each of the plurality of alarm times, in order to provide a user with enhanced alarm features which allow him to maximize his time.

Regarding claim 18, Hewitt in view of Steinmark teaches all of the limitations of claim 17, and Steinmark also discloses that the alarm type for a radio may be a radio station. See paragraph 4.

Allowable Subject Matter

9. Claims 10-15 and 19-26 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

The invention is directed to a system and method for remotely configuring a radio. The invention comprises a remote database which stores a user profile containing first and second sets of configuration data, and a graphical interface on a network device that displays an association page for establishing an association list

between the first and second sets of configuration data. The user profile is retrieved by a digital controller in the radio to facilitate its operation. The radio's location is represented by a location identifier.

Claim 10 includes the limitation "identifying the second set of configuration [data] based on the location identifier."

Claim 19 includes the limitation "means for determining the second set of configuration data based on the location identifier."

The closest prior art, Hewitt et al., does not disclose these claimed features, nor are they rendered obvious in view of other prior art.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore
9/11/03

JKM

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600